

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Michael A. Burnett,

Plaintiff,      Case No. 18-cv-12471

v.

Judith E. Levy  
United States District Judge

Officer Herron, et al.,

Mag. Judge Patricia T. Morris  
Defendants.

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**ORDER DIRECTING THE CLERK OF THE COURT TO  
TRANSFER THE APPLICATIONS TO PROCEED WITHOUT  
PREPAYING FEES AND COSTS [9, 10] TO THE UNITED  
STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

On October 18, 2018, the Court denied plaintiff's application to proceed on appeal *in forma pauperis*—that is, without prepayment of fees or costs. (Dkt. 5.) Plaintiff subsequently filed a notice of appeal with the United States Court of Appeals for the Sixth Circuit. (Dkt. 6.) Nonetheless, plaintiff has since filed two additional applications with this Court to proceed *in forma pauperis*. (Dkts. 9, 10.)

A notice of appeal generally “confers jurisdiction on the court of appeals and divests the district court of control over those aspects of the

case involved in the appeal.” *Marrese v. Am. Acad. of Orthopaedic Surgeons*, 470 U.S. 373, 379 (1985) (citing *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982)). Plaintiff’s notice of appeal thus divests the Court of jurisdiction to consider his newly filed motions to proceed *in forma pauperis*. *Johnson v. Woods*, No. 5:12-11632, 2013 WL 557271, at \*2 (E.D. Mich. Feb. 13, 2013) (citing *Glick v. U.S. Civil Service Com’n*, 567 F.Supp. 1483, 1490 (N.D.Ill.1983); *Brinton v. Gaffney*, 560 F.Supp. 28, 29–30 (E.D.Pa.1983)). Because jurisdiction was transferred to the Sixth Circuit upon the filing of the notice of appeal, plaintiff’s motions to proceed *in forma pauperis* would be more appropriately addressed to the Sixth Circuit. *See* 28 U.S.C.A. § 1631.

Accordingly, **IT IS ORDERED** that the Clerk of the Court transfer plaintiff’s motions to proceed on appeal without prepaying fees and costs (Dkts. 9, 10) to the United States Court of Appeals for the Sixth Circuit.

**IT IS SO ORDERED.**

Dated: December 13, 2018  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

## **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 13, 2018.

s/Shawna Burns  
SHAWNA BURNS  
Case Manager